

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 43

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 14, 2024

The Senate Environment and Energy Committee reports favorably and with committee amendments Senate Concurrent Resolution No. 43.

This concurrent resolution, as amended by the committee, proposes an amendment to the State Constitution that would grant every person the right to a clean and healthy environment, and make the State the trustee of all its natural resources.

Specifically, the proposed constitutional amendment would provide that every person has a right to a clean and healthy environment, including pure water, clean air, a safe climate, and ecologically healthy habitats, and to the preservation of the natural and scenic qualities of the environment. The amendment provides that the State shall not infringe upon these rights.

The amendment would also provide that the State's natural resources, including its waters, air, flora, fauna, climate, and public lands, are the common property of all of the people, including both present and future generations. The State would serve as trustee of these resources and have a duty to conserve and maintain them for the benefit of all people.

Finally, the amendment would provide that the rights established in the amendment are self-executing, and are in addition to any rights conferred by the public trust doctrine or common law. The amendment would specify that nothing in its provisions would abrogate the applicable Rules of Court that prohibit the filing of frivolous claims.

The committee amendments to the resolution:

(1) include the right to a safe climate among the rights conferred by the amendment;

(2) remove language that would have specified that the State may not infringe upon the rights conferred by the amendment "by action or inaction";

(3) remove the provision that would have granted the people a right to the preservation of the "historic" and "esthetic" qualities of the environment, and instead provide that each person has a right to the preservation of the natural and scenic qualities of the environment;

(4) remove the provisions that would have established the State as the trustee of the State's "public" natural resources, and instead provide for the State to serve as trustee of all of the State's natural resources, without regard to their status as "public" resources;

(5) add a new provision specifying that nothing in the constitutional amendment would abrogate the applicable Rules of Court that prohibit the filing of frivolous claims; and

(6) make technical and clarifying changes.

This bill was prefiled for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.